

DETAILED ACTION

Allowable Subject Matter

This Notice of Allowance is in response to the Decision by the Board on 2/3/2010.

Claims 1-7 and 10-14 dated 3/30/10 are allowed.

Examiner's Statement of Reason's for Allowance

The following is an examiner's statement of reasons for allowance.

This Notice of Allowance is in response to the Decision by the BPAI on 2/3/2010.

Prior art was found which disclosed many of the features of the Applicant's claims.

However, the Board found that the prior art did not render obvious all the Applicant's features of the independent claims. On page 10 of the BPAI decision dated 2/3/10, the BPAI states, "We find that one of ordinary skill in the art would not arrive at a method to execute a program initiated by an audio signal having encoded control and advertising information if the decoded control information determines the decoded advertising content is to be displayed and then launching a display of the decoded advertising content substantially at the time of reception of the advertising information as claimed."

Hence, the Board did not find that Tognazzini, Picco, and Harvey supported a 35 USC 103 rejection of the Appellant's claims.

Hence, the Board stated that the prior art cited does not render obvious the combination of the specific features stated above.

Also, the BPAI on 2/3/10 entered a new grounds of rejection under 112 2nd for claims 1 and 9. However, on 3/30/10, Applicant cancelled claim 9 and Applicant amended claim 1 to address the 112 2nd issue.

Hence, because of the 3/30/10 claim amendments and the 2/3/10 BPAI decision, the 3/30/10 claims are found allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arthur Duran Primary Examiner

Art Unit 3622

/Arthur Duran/

Primary Examiner, Art Unit 3622

4/12/2010